

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 13-cr-40053-006-JPG
)	
JOSHUA R. RODGERS,)	
Reg. No. 10247-025,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter comes before the Court on Assistance Federal Public Defender Judith A. Kuenneke's Motion to Withdraw (Doc. 294). Counsel Kuenneke entered her appearance for the sole purpose of determining whether Defendant Joshua R. Rodgers was eligible for application of the 2014 retroactive guideline amendment. The Defendant and the Government were provide a copy of the motion and allowed 21 days in which to respond. The Government filed a Response (Doc. 297) concurring with the Motion to Withdraw and "No merits" Statement.

On May 8, 2014, Defendant plead guilty to two counts of possession of pseudoephedrine knowing it would be used to manufacture methamphetamine in violation of Title 21, United States Code, Sections 841(c)(2).

The Court determined that the sentencing calculations were based upon an amount of 169 grams of pseudoephedrine which resulted in an offense level of 32¹. Defendant received a 3 point reduction for acceptance of responsibility for total offense level of 29 with a criminal history category of II. This yielded a sentencing range of 97 to 121 months. Defendant also

¹ Unless otherwise noted, the references to the U.S.S.G. in this order are to the 2013 version.

moved for the 2 level variance contemplated by the then-proposed Guideline Amendment (Doc. 200) and that motion was granted. Defendant was sentenced to 78 months. (Doc. 234).

Amendment 782 amended U.S.S.G. § 2D1.1(c) as of November 1, 2014, to lower some base offense levels associated with various relevant conduct drug amounts. Defendant Joshua Rodgers received the benefit of the 2014 retroactive guidelines Amendment 782 as a downward departure at the time of sentencing and he cannot receive any additional benefit from the 2014 Amendment.

Assistance Federal Public Defender Judith A. Kuenneke entered her appearance for the sole purpose of reviewing Defendant's case for retroactive application for reduction. Having determined that the defendant has already benefited under 18 U.S.C. § 3582(c)(2) for obtaining a sentence reduction, Counsel Kuenneke nows moves to withdraw her appearance.

Based on the above, Assistance Federal Public Defender Judith A. Kuenneke's Motion to Withdraw (Doc. 294) is **GRANTED**. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Defendant.

IT IS SO ORDERED.

DATED: 7/30/2015

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE